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Administration Seeks a Stronger Lock on 'Classified' Files

C.I.A. Proposes Prison Terms for Those Who Leak Information

By STUART TAYLOR Jr.

WASHINGTON — Presidents have complained for decades about Government secrets showing up in the morning paper or on the evening news.

But Ronald Reagan and other Administration officials have sought with special vigor to control the flow of information. Now there is a move afoot to plug "leaks" by sending the leakers to prison.

The White House confirmed last week that legislation making it a crime for Government employees to disclose "any classified information" without authorization had been proposed by the Central Intelligence Agency and was being considered within the Administration.

The week before, the Justice Department, for the first time, won a ruling from a Federal judge in Baltimore that such disclosures can already be prosecuted under existing criminal law.

These and previous Administration leak-plugging initiatives — including efforts to impose lifelong censorship upon officials with access to secrets and expand use of lie-detector tests to track down leakers — have had as their principal targets officials who make disclosures, not reporters who publish them.

But the Administration has also taken aim at journalists, not with legal sanctions but by denouncing them and restricting their access to Government information.

Asked at his press conference last week to comment on statements by critics raising doubts about the patriotism of reporters, President Reagan suggested the media were biased, but said "I'll leave that argument to others."

The "others" include George A. Keyworth 2d, Mr. Reagan's science adviser. He said in February that "the press is trying to tear down America" and "seems to be drawn from a relatively narrow fringe element on the far left of our society."

Secretary of State George P. Shultz said in 1983, "it seems as though the reporters are always against us and so they're always seeking to report something that's going to screw things up."

And Defense Secretary Caspar W. Weinberger suggested in December that The Washington Post had given "aid and comfort to the enemy" by reporting classified details about a planned space shuttle mission. (The Post responded that most of the information was already in the public record.)

The Administration's restrictions on access to information include a Presidential order giving officials greater leeway to classify documents secret, strict controls on press access to Grenada during the October 1983 invasion; a new practice, in the Pentagon and some other agencies, of requiring top-level approval before senior officials can give interviews, and efforts to narrow the Freedom of Information Act.

National Interests Disputed

"The Reagan Administration's policies are causing the most significant media access restrictions on Government information since the end of voluntary censorship in World War II," says Jack Landau, executive director of the Reporters Committee for Freedom of the Press.

"What they really are saying," Mr. Landau adds, "is that they own the information" and that neither the press nor the public has a right to know or publish what the Government decides should be secret.

Attorney General Edwin Meese 3d said last week that he hoped "journalistic ethics would prevent people who have obtained what is in effect stolen property, stolen information, from utilizing it in a way that would compromise or hurt the national interest."

Part of the logic underlying this view is that military secrets are just as accessible to such foreign adversaries as the Soviet Union when they are published as when they are ferreted out by foreign spies.

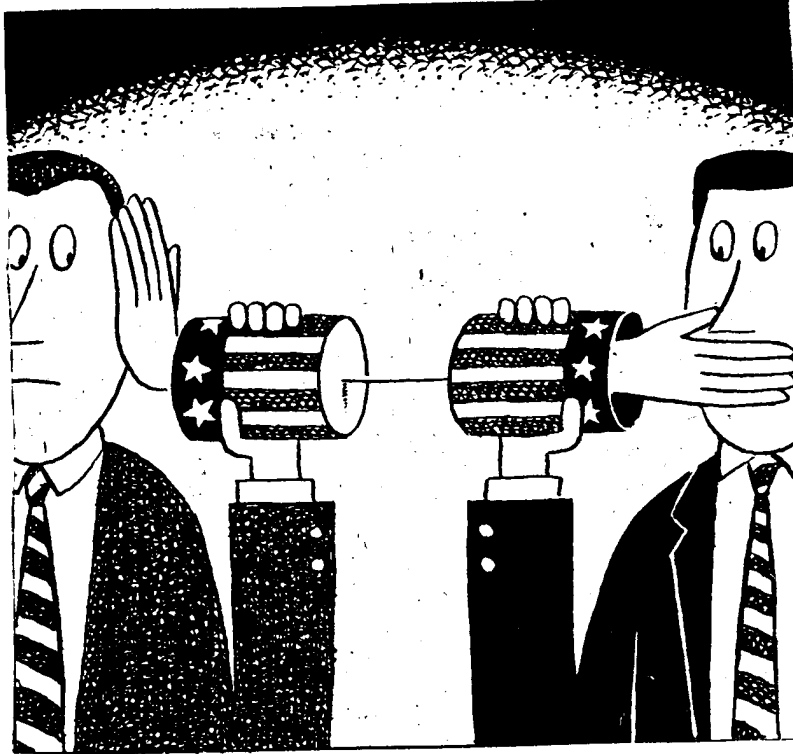
Most journalists disavow publishing things that would betray vital secrets. Many Administration complaints involve publication of "secrets" more likely to stir political controversy than to give foreign adversaries new information. Earlier this month, for example, Mr. Shultz said that an article in The New York Times about American contingency plans for deploying nuclear depth charges in allied countries had "done us a considerable amount of damage."

He acknowledged the plans had previously been published abroad. The "damage" was apparently political fallout in the allied countries.

Justice Department lawyers say that a reporter who knowingly publishes an officially classified national secret is guilty of violating broadly worded espionage laws that date back to 1917. Civil libertarians and journalists dispute this, and the department has never put its theory to the test against a journalist.

But the department is trying to jail Samuel Loring

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Morison, a naval intelligence analyst, for giving a British military magazine classified satellite intelligence photographs of a Soviet aircraft carrier under construction. He is charged with espionage and the theft of Government property.

The only similar case on record was the Nixon Administration's prosecution of Daniel Ellsberg and Anthony Russo for giving the Pentagon Papers, a classified study of the Vietnam War, to The New York Times and other newspapers. That case was dismissed on account of governmental misconduct.

Earlier this month, Federal District Judge Joseph H. Young of Baltimore upheld the Government's position that Mr. Morison can be convicted if the Government can prove he deliberately sent secret documents to the magazine, even if he had no intent to harm national security.

If adopted by appellate courts, legal scholars say, Judge Young's pretrial ruling in effect means that the United States has had a broad official secrets act on the books for more than 60 years.

The C.I.A. is not so sure Judge Young's ruling will stand. That is why it is proposing a new secrecy

law, which would carry a maximum penalty of five years in prison and a \$25,000 fine, for leaks of classified information by Federal officials and others, apparently including members of Congress, who have "authorized access" to the information.

Mr. Reagan has not yet decided whether to send the proposal to Congress, where it would encounter opposition from members concerned that it might constrict informed debate constricting informed debate about national security policies.